

# Colleran & O'Hara & Mills L.L.P.

WALTER M. COLLERAN (1912-1998)  
 RICHARD L. O'HARA  
 JOHN F. MILLS (1939-2003)  
 EDWARD J. GROARKE  
 CHRISTOPHER P. O'HARA  
 CAROL O'ROURKE PENNINGTON  
 DENIS A. ENGEL  
 JOHN S. GROARKE\*  
 MICHAEL D. BOSSO

STEPHANIE SUAREZ  
 STEVEN G. FARKAS\*\*  
 THOMAS P. KEANE\*\*\*  
 DAMIEN O. MAREE\*\*  
 TAYLOR ANNE WAITES  
 GARRETT J. DOWD  
 PATRICIA L. BOLAND  
 GLENN A. KREBS +

PARALEGALS  
 LAURA A. HARRINGTON  
 KRISTINE M. MURPHY  
 LILLY PIAZZA  
 KAREN ALBERTELLI GILBERT  
 \* ALSO ADMITTED IN NEW JERSEY  
 \*\* ALSO ADMITTED IN WASHINGTON, D.C.  
 \*\*\* ALSO ADMITTED IN NEW JERSEY AND  
 CONNECTICUT  
 + OF COUNSEL

July 13, 2021

**VIA ECF**

Hon. John G. Koeltl  
 United States District Judge  
 United States District Court  
 Daniel Patrick Moynihan Courthouse  
 Southern District of New York  
 500 Pearl Street  
 New York, NY 10007-1312

*The July 16, 2021 Conference  
 is adjourned to September 10, 2021  
 at 10:00 A.M.  
 So ordered.*

Re: Iron Workers Locals 40, 361 & 417 Health Fund v. Joyce et al  
 Civil Case No.: 20-cv-596

Dear Judge Koeltl,

As Your Honor will recall, this firm is counsel to Plaintiff Iron Workers Locals 40, 361 & 417 Health Fund ("Health Fund") in the above-referenced matter. We write to request an adjournment of the status conference currently scheduled for July 16, 2021.

Defendant James Joyce's treating physician has filed for no fault arbitration, and same was held on February 24, 2021. The arbitrator issued an award on April 19, 2021, which found that the no fault provider was to pay Mr. Joyce's treating physician.

Defendants have represented to Plaintiffs that the no fault carrier received the final demand to satisfy the arbitration award via letter dated July 8, 2021. The no fault carrier has further received a clarification of the award directing it to pay the physician.

If the no fault carrier pays the physician, the physician is expected to reimburse the Health Fund in the amount of \$199,222.92, which represents a significant portion of the Health Fund's total lien of \$296,802.38.

In light of the pending reimbursement issue, Plaintiff requests that the status conference scheduled for July 16, 2021, be adjourned. This is the fourth request to adjourn the status conference; the prior requests were granted. Counsel for the defendants has consented to the adjournment.

Plaintiffs thank Your Honor for the Court's attention to this matter.

**USDS SDNY  
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Respectfully,

COLLERAN, O'HARA & MILLS L.L.P.

By: /s/ Thomas P. Keane

THOMAS P. KEANE

TPK:gl

3028-0008

cc: Seamus Boyle, Esq. via ECF